BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:) No. 06-97-71371							
JAYENDRA A. SHAH, M.D.	OAH No. L-1998040379							
Physician and Surgeon's Certificate No. A 29575 Respondent.) 							
<u>DECISION AND ORDER</u>								
The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality, Medical								
Board of California, Department of Consume								
This Decision shall become effective of	on July 28, 1999							
Order Dated June 28, 1999	•							
DATE OF THE OWN AND THE OWN AN	OF MEDICAL OUALITY							

DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA

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DANIEL E. LUNGREN, Attorney General 1 of the State of California JOSEPH P. FURMAN (State Bar No. 130654) 2 Deputy Attorney General California Department of Justice 3 300 South Spring Street, Suite 5212 Los Angeles, California 90013-1233 4 Telephone: (213) 897-2531 5 Attorneys for Complainant 6 **BEFORE THE** 7 DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA 8 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 9 1.0 In the Matter of the Accusation Case No. 06-97-71371 11 OAH No. L-1998040379 Against: 12 JAYENDRA A. SHAH, M.D. STIPULATED SETTLEMENT 7960 W. McFadden Avenue 13 Westminster, California 92683 AND **DISCIPLINARY ORDER** 14 Physician and Surgeon's Certificate No. A 29575, 15 Respondent. 16 17 IT IS HEREBY STIPULATED AND AGREED by and between the 18 parties to the above-entitled proceedings that the following 19 matters are true: 20 Accusation No. 06-97-71371 was filed with the 21 Medical Board of California's Division of Medical Quality ("Division") on December 5, 1997, and is currently pending 23 against Jayendra A. Shah, M.D. ("respondent"). 24 2. The Accusation, together with all statutorily 25



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required documents, was duly served on respondent on or about

December 5, 1997, and respondent filed a Notice of Defense

contesting the charges in the Accusation. A copy of Accusation No. 06-97-71371 is attached as Exhibit "A" and hereby incorporated by reference as if fully set forth.

- 3. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California ("Board") and brought this action solely in his official capacity. Complainant is represented by the Attorney General of California, Daniel E. Lungren, by and through Deputy Attorney General Joseph P. Furman.
- 4. At all times relevant herein, respondent has been licensed by the Medical Board of California under Physician and Surgeon's Certificate No. A 29575.
- 5. Respondent is represented in this matter by Sunil A. Brahmbhatt, Esq., whose address is 2700 N. Main Street, Suite 745, Santa Ana, California 92705.
- 6. Respondent and his attorney have carefully read and fully discussed the charges contained in Accusation No. 06-97-71371. Respondent has been fully advised regarding his legal rights and the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, the charges and allegations would constitute cause for imposing discipline upon his Physician and Surgeon's Certificate.

 Respondent is fully aware of his right to a hearing on the charges contained in the Accusation, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the attendance of witnesses and the



production of documents in both defense and mitigation of the charges, his right to reconsideration, court review and any and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

- 8. Respondent knowingly, voluntarily, and irrevocably waives and gives up each of these rights.
- 9. Although respondent has filed a Notice of Defense contesting the charges and allegations in the Accusation, respondent now acknowledges that there is a factual basis supporting the charges and allegations contained in Accusation No. 06-97-71371, and, in light of that factual basis, respondent agrees that he has thereby subjected his Physician and Surgeon's Certificate to disciplinary action. In the interests of settling this matter and avoiding the expense and uncertainty of a trial, respondent agrees to be bound by the Division's Disciplinary Order as set forth below.
- 10. Based on the foregoing admissions and stipulated matters, the parties agree that the Division shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A 29575 issued to respondent Jayendra A. Shah, M.D., is revoked. However, the revocation is stayed and respondent is placed on probation for thirty (30) months, on the following terms and conditions. Within 15 days after the



effective date of this decision, respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

Within thirty (30) days of the 1. **PSYCHOTHERAPY** effective date of this decision, respondent shall initiate bimonthly psychotherapy with a psychiatrist selected by respondent from a list of Board approved psychiatrists. Respondent shall undergo and continue treatment on at least a bi-monthly basis until the Division or its designee deems that no further psychotherapy is necessary, but in no event for a period shorter than one year. Respondent shall have the treating psychotherapist submit monthly status reports to the Division or its designee. Each monthly status report from the psychotherapist shall be provided to the Division or its designee no later than the 15th day of the month following the reporting period, and it shall be respondent's obligation to ensure that the reports are submitted in a timely manner. Respondent shall pay all the costs of the therapy, the reports, and any medications.

If at any time the psychiatrist determines that respondent is not mentally fit to practice medicine safely, then respondent shall be suspended from the practice of medicine until an



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evaluation by a second psychiatrist, selected by respondent from a list provided by the Board of at least three Board approved psychiatrists, establishes that he can practice safely, as evidenced by written notice to respondent from the Division or its designee.

effective date of this decision, respondent shall submit to the Division or its designee for its prior approval a plan of practice in which respondent's practice shall be monitored by another physician, who shall provide periodic reports, at not less than quarterly intervals, to the Division or its designee.

If the monitor resigns or is no longer available, respondent shall, within fifteen (15) days, move to have a new monitor appointed, through nomination by respondent and approval by the Division or its designee. Although respondent may work with other physicians in a private practice setting, respondent is prohibited from engaging in solo practice.

- 3. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.
- 4. **QUARTERLY REPORTS** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
- 5. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE** Respondent shall comply with the Division's probation surveillance program.



Respondent shall, at all times, keep the Division informed of his business and residence addresses which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

PHYSICIAN(S) Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice. Such interviews may be recorded by audio-tape, and respondent may have counsel in attendance, if he so desires. However, the claimed unavailability of respondent's counsel or a claimed scheduling conflict on the part of a particular counsel will not constitute an acceptable basis for continuing or rescheduling such an interview, and will not excuse any failure on respondent's part to appear for such a scheduled interview.

7. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-PRACTICE In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten (10) days of the dates of departure and return or the dates of



non-practice within California. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in any activities described in Sections 2051 and 2052 of the Business and Professions Code. For purposes of this tolling provision, respondent's continued employment in a position classified as one that could be filled only by a licensed physician and surgeon constitutes the practice of medicine, irrespective of whether respondent is personally treating or seeing patients. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period.

- 8. <u>COMPLETION OF PROBATION</u> Upon successful completion of probation, respondent's certificate shall be fully restored.
- 9. <u>VIOLATION OF PROBATION</u> If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
- 10. <u>COST RECOVERY</u> Respondent is hereby ordered to reimburse the Division the amount of \$12,000.00 (twelve thousand



dollars) within one year of the effective date of this decision for its investigative and prosecution costs. Unless paid in full within ninety (90) days of the effective date of this decision, respondent's reimbursement to the Division of the total negotiated cost recovery amount of \$12,000.00 (twelve thousand dollars) shall be paid in quarterly installments of no less than \$3000.00 (three thousand dollars) each, with the first such payment to be received by the Division within ninety (90) days of the effective date of this decision, and all subsequent installment payments to be received within ninety (90) days of the timely preceding payment. In any event, the total cost recovery amount of \$12,000.00 must be paid in full to the Division within one year of the effective date of this decision. Failure to reimburse the Division's costs of investigation and prosecution in the amount and in the manner agreed upon shall constitute a violation of the probation order. The filing of bankruptcy by respondent shall not relieve him of his responsibility to reimburse the Division for investigative and prosecution costs.

associated with probation monitoring each and every year of probation, which are currently set at \$2,304.00 (two thousand three hundred and four dollars) per year, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within 30 days of the due date shall

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constitute a violation of probation.

this decision, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

CONTINGENCY

This stipulation shall be subject to the approval of the Division. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by respondent or his counsel. If the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Sunil A. Brahmbhatt, Esq. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Physician and Surgeon's Certificate, and I agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently, and voluntarily.

DATED: 10-28-98

I have read and fully discussed the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order with my client, respondent Jayendra A. Shah, M.D., and approve of its form and content.

Respondent

DATED: 10-28-98

SUNIL A. BRAHMBHATT Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Division of Medical Quality of the Medical Board of California.

DATED: [ab. 9, 1999]

DANIEL E. LUNGREN, Attorney General of the State of California

JØSEPH #. FURMAN
Deputy Attorney General

Attorneys for Complainant

Exhibit: Accusation

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EXHIBIT A Accusation No. 06-97-71371

2	JOSEPH P. FURMAN, State Bar # 130654 Deputy Attorney General							
3	California Department of Justice 300 South Spring Street, Suite 5212 MEDICAL BOARD OF CALIFORNIA							
4	Los Angeles, California 90013-1233 Telephone: (213) 897-2531 SACRAMENTO Vicinity 19 97 BY BY ASSOCIATE							
5	Attorneys for Complainant							
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7	BEFORE THE DIVISION OF MEDICAL QUALITY							
8	MEDICAL BOARD OF CALIFORNIA							
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA							
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11	In the Matter of the Accusation) Case No. 06-97-71371 Against:							
12)							
13	JAYENDRA A. SHAH, M.D.) A C C U S A T I O N 7960 W. McFadden Avenue) Westminster, California 92683)							
14)							
15	Physician and Surgeon's Certificate) No. A 29575,							
16	Respondent.)							
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18	Complainant alleges:							
19	PARTIES							
20	1. Ron Joseph ("Complainant") brings this accusation							
21	solely in his official capacity as the Executive Director of the							
22	Medical Board of California ("Board").							
23	2. On or about September 18, 1975, Physician and							
24	Surgeon's Certificate No. A 29575 was issued by the Board to							
25	Jayendra A. Shah, M.D. ("respondent"). At all times relevant to							
26	the charges brought herein, this license had been in full force and							
27	effect until an Interim Suspension Order suspending his physician							

DANIEL E. LUNGREN, Attorney General of the State of California JOSEPH P. FURMAN, State Bar # 130654 and surgeon's certificate pursuant to Government Code section 11529 was issued by an administrative law judge on October 1, 1997. In addition to imposing a full suspension of respondent's license, the Interim Suspension Order also required him to submit to a complete mental competency evaluation. At present, the Interim Suspension Order imposing a full suspension of respondent's license remains in effect. Unless renewed, respondent's physician and surgeon's certificate is scheduled to expire on January 31, 1999.

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JURISDICTION

3. This accusation is brought before the Board's Division of Medical Quality ("Division"), under the authority of the following sections of the Business and Professions Code ("Code"):

A. Section 820 provides:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

B. Section 822 provides:

4.

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- "(a) Revoking the licentiate's certificate or license.
 - "(b) Suspending the licentiate's right to practice.
 - "(c) Placing the licentiate on probation.
- "(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

- C. Section 2220 provides that the Division may "take action against all persons guilty of violating" the Medical Practice Act.
- D. Section 2227 provides that the Board may revoke, suspend for a period not to exceed one year, place on probation and require the licensee to pay the costs of

probation monitoring, or take such other action in relation to discipline as the Division deems proper against any licensee who has been found guilty under the Medical Practice Act.

E. Section 2234 provides:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

**

- "(d) Incompetence.
- "(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.
- "(f) Any action or conduct which would have warranted the denial of a certificate."

BUDGET ACT AND COST RECOVERY PROVISIONS

- F. Section 16.01 of the 1997/1998 Budget Act of the State of California provides, in pertinent part:
 - "(a) No funds appropriated by this act may be expended to pay any Medi-Cal claim for any service

performed by a physician while that physician's license is under suspension or revocation due to disciplinary action of the Medical Board of California.

- "(b) No funds appropriated by this act may be expended to pay any Medi-Cal claim for any surgical services or other invasive procedure performed on any Medi-Cal beneficiary by a physician if that physician has been placed on probation due to a disciplinary action of the Medical Board of California related to the performance of that specific service or procedure on any patient, except in any case where the board makes a determination during its disciplinary process that there exist compelling circumstances that warrant continued Medi-Cal reimbursement during the probationary period."
- G. Section 125.3, subdivision (a), provides that "the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

FIRST CAUSE FOR DISCIPLINE

(Corrupt Acts: Threatening Statements)

4. Respondent is subject to disciplinary action under code section 2234, subdivision (e), in that he has committed corrupt acts involving his making threatening statements, including threats to harm coworkers and to shoot an appellate court justice.

The circumstances are as follows:

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Respondent was employed as a physician by the County of Los Angeles and was assigned to Rancho Los Amigos Medical Center, a county rehabilitation facility. filed assorted complaints, grievances, and other legal challenges against the county and his supervisors alleging that he is being treated unfairly or illegally. In Jayendra A. Shah, M.D. v. Los Angeles County Department of Health Services, et. al., Case No. B099822, Division Two of the Second Appellate District of the California Court of Appeal ruled against respondent, affirmed the superior court's denial of respondent's petition for writ of mandamus, and noted that it was "indeed perplexing that someone who communicates in such a raving and incoherent style could be presently qualified as a licensed health care practitioner." On July 29, 1997, respondent was at work talking to his supervisor when he brought up the subject of the appellate court opinion. Referring to the author of the appellate court opinion, respondent stated, "I am going to shoot that bastard judge."

B. On or about November 17, 1995, respondent initiated a telephone call to a deputy county counsel concerning a lawsuit against the county in which respondent was representing himself. In the conversation, respondent indicated that he wanted to be reassigned to work in another county hospital, asserted that judges are "liars," and accused his immediate supervisor of lying about him in a declaration. In addition, respondent made reference to taking a gun to

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Rancho Los Amigos and killing people, stating: "If I want to kill someone I don't know who" and "If I go with a gun to Rancho, I don't have an office, work in the library."

- In a pro per complaint which he filed against C. the county on October 5, 1994, in Los Angeles County Superior Court, case number BC 113932, respondent wrote that "there is no nonviolent civilized end to my problem. Victim is victimised [sic] repeatedly."
- In a letter he wrote to the County Civil D. Service Commission dated August 28, 1994, respondent warned:

"Unlike post office, luckily yet no county employee has killed any supervisor or administration persons. There is yet time to act because 'abused employee syndrome' like 'battered spouse syndrome' can result in violence."

SECOND CAUSE FOR DISCIPLINE

(Dishonest and Corrupt Acts: Commission of Perjury)

- Respondent is subject to disciplinary action under 5. code section 2234, subdivision (e), in that he has committed the corrupt and dishonest act of perjury. The circumstances are as follows:
 - In another case that respondent appealed to the California Court of Appeal, entitled Jayendra A. Shah, M.D. v. Los Angeles County, et. al., Case No. B077220, Division One of the Second Appellate District affirmed the superior court's denial of respondent's petition for writ of mandamus and found

that respondent committed perjury in the trial court. The Court of Appeal ruled:

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"[W]e agree with the trial court that the doctrine of unclean hands provides an independent ground for denying writ relief. While it is true, as Shah claims, that there was nothing wrong with his various efforts to obtain relief, there <u>is</u> something seriously wrong with the fact that the petition he filed in this case is perjurious. . . . [Emphasis in original.]

"Shah's verified petition in this case alleges he had no net income from 1982 to present. At his deposition, he claimed he had no memory of any earnings during that period. In response to other discovery requests, Shah claimed he had no business records for that period. During the jury trial of his discrimination case, however, he testified quite clearly that he had a flourishing, part-time private practice, that he earned \$90,000 in 1983, \$96,000 to \$98,000 in 1984, \$180,000 in 1985, \$94,900 in 1986, \$110,000 in 1987, \$104,000 in 1988, and \$112,000 in 1989, and his overhead averaged about 40 percent. Since we find it impossible to believe that Shah could actually forget the close to \$1 million gross income (or \$500,000 net), we are compelled to conclude that he perjured himself in his petition and in his discovery responses. As a result, his unclean hands defeat his claims."

B. In Los Angeles County Superior Court Case No. BS009995, the superior court judge denied respondent's petition for writ of mandamus and ruled that respondent was not entitled to equitable relief due to his "unclean hands" resulting from his commission of perjury. The superior court's Statement of Decision noted:

"In his Verified Petition, moving party alleges that he has not received any new income from his medical practice during the relevant time. . . . However, he testified in an earlier trial that he did receive net income."

THIRD CAUSE FOR DISCIPLINE

(Incompetence)

- 6. Respondent is subject to disciplinary action under code section 2234, subdivision (d), in that his mental condition is such that he is incompetent and therefore unqualified, unable, or unfit to practice medicine safely. The circumstances are as follows:
 - A. Respondent's thought processes appear to be seriously impaired. Respondent's writing is disorganized, disjointed, incoherent, and largely incomprehensible, suggesting significant mental disorganization. Respondent's verbal skills are inadequate in that he is presently unable to communicate rationally with patients, prepare comprehendible medical records and documents, and consult meaningfully with other physicians. He is often unable to perform simple

assignments or follow simple instructions.

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- B. The facts and allegations set forth above under paragraph 4, subparagraphs A through D, are incorporated here by reference. Respondent has a history of making at least veiled threats of violence against his supervisors, coworkers, and others. His verbal outbursts and bizarre and disturbing statements have caused colleagues and coworkers to regard him as unpredictable and dangerous.
- statements made numerous Respondent has C. referring, at least implicitly, to the potential for him to act out violently based on his belief that he has been His writings are filled with repeated unfairly treated. references to how his supervisors and colleagues have victimized him, alleging that he is subjected to "bigotry, racism, harassment, intimidation, retaliation, reprisals, fraud, deceit, corruption, cover-ups, conspiracies, codes of silence, fascism, and gestapo tactics." He writes that his work environment is "becoming intolerable and very stressful." Numerous writings of his reveal significant paranoid ideation.
- D. Respondent's mood quickly and easily transitions to a highly agitated, hostile, and irritable rage. He is easily distracted and often speaks in an incoherent manner, unable to tell a story in a sequential or chronological way. His thought processes appear to be highly over-active and very disjointed.
- E. Pursuant to the requirement that respondent submit to a complete mental competency evaluation as set forth

in the Interim Suspension Order issued October 1, 1997, a psychiatrist on the clinical faculty of the UCLA School of Medicine's Department of Psychiatry agreed to serve as the evaluator and conducted a tape recorded psychiatric evaluation of respondent on October 14, 1997. Following a thorough examination, the psychiatric evaluator diagnosed respondent as suffering from paranoid psychosis, probably resulting from manic-depressive illness. In diagnosing paranoid psychosis, the psychiatric evaluator noted the need to rule out paranoid schizophrenia. The psychiatric evaluator also diagnosed respondent as suffering from a mixed personality disorder with dependent narcissistic, obsessive-compulsive, and sociopathic The psychiatric evaluator concluded that, due to features. his psychiatric condition, respondent is presently incompetent to practice medicine because his mental impairment renders him unqualified, unable, or unfit to perform the duties of a physician and surgeon in the State of California.

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F. A competent physician must be sufficiently organized in his own thinking to treat patients safely. A competent physician must also be sufficiently coherent to be able to communicate with his patients and colleagues. Left untreated, respondent's psychiatric disorder would interfere with his ability to treat patients and would render him incompetent to practice medicine. In addition, his paranoid ideation is so extreme that it has already significantly interfered with his relationships with colleagues and peers, further endangering patient care. Finally, in light of his

oral and written statements indicating that he could act out violently, respondent's psychiatric disorder involving significant paranoid ideation suggests that, without appropriate psychiatric treatment, his practice of medicine could endanger the public health, safety, or welfare.

FOURTH CAUSE FOR DISCIPLINE

(Impairment due to Mental Illness)

- 7. Respondent is subject to disciplinary action under code sections 820 and 822, in that his ability to practice medicine safely is impaired because of his mental illness. The circumstances are as follows:
 - A. The facts and allegations set forth above under paragraph 4, subparagraphs A through D, are incorporated here by reference.
 - B. The facts and allegations set forth above under paragraph 5, subparagraphs A through B, are incorporated here by reference.
 - C. The facts and allegations set forth above under paragraph 6, subparagraphs A through F, are incorporated here by reference.

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PRAYER

	WHE	REFORE,	compla	ainant reque	sts that a	hearing b	e held
on the ma	tters	herein a	allege	d and that,	following t	he hearin	ıg, the
Division	issue	a decis	ion:				
	1.	Revokin	g or	suspending	Physician	and Sur	geon's

- Certificate Number A 29575, heretofore issued to respondent Jayendra A. Shah, M.D.;
- Revoking, suspending, or denying approval 2. respondent's authority to supervise physician's assistants, pursuant to code section 3527;
- Ordering respondent to pay the Division the 3. reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring; and
- Taking such other and further action as the Division 4. deems necessary and proper.

December 5, 1997 DATED:

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Joseph

Executive Director Medical Board of California Department of Consumer Affairs State of California

Complainant